

Hellerstein, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RASHEEN SCOTT and JACOB WILLIAMS
Individually, and on Behalf of
All Other Persons Similarly Situated,

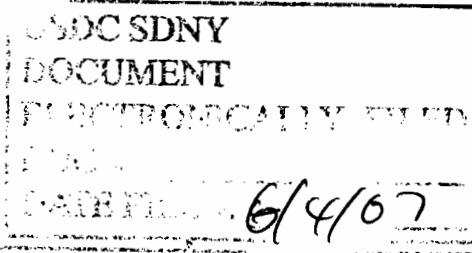
Plaintiffs,

-against-

SAME DAY DELIVERY INC., ROCCO VINCENT
D'AMASSANDRO, SCOTT WEINSTEIN,
STEVE PILAVIN, DUANE READE INC., and
JOHN DOES # 1-10, Jointly and Severally,

Defendants.

ECF Case
2006 Civ. 3586 (AKH)



STIPULATION AND TOLLING AGREEMENT

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff RASHEEN SCOTT and JACOB WILLIAMS, Individually, and on Behalf of All Other Persons Similarly Situated ("Plaintiff") and Defendant DUANE READE INC. ("Duane Reade"), through their undersigned attorneys, that Duane Reade's time to answer, move, or otherwise respond to the Complaint in this matter shall be extended for 30 days from May 29, 2007 to and including June 28, 2007 and that Duane Reade waives any defense based on improper or defective service of process.

IT IS FURTHER STIPULATED AND AGREED, by and between Plaintiff and Duane Reade, through their undersigned attorneys who state that they have been authorized to enter this Stipulation And Tolling Agreement, that the statute of limitations period for alleged violations of the Fair Labor Standard Act ("FLSA") set forth in the Complaint by individuals purporting to be similarly situated to Plaintiffs who may Opt-In to the collective action shall hereby be deemed tolled for the period of 30 days beginning May 29, 2007 and ending June 28, 2007 (the Tolling

Period") and that such Tolling Period will be extended until the date that an answer is filed by the Duane Reade, if it is not filed on or before June 28, 2007.

DATED: MAY 24, 2007

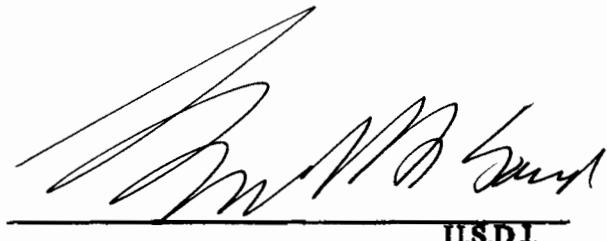


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SO ORDERED THIS 31
DAY OF May, 2007.



, U.S.D.J.